

REMARKS

Claims 1 to 48 are pending, of which Claims 1, 11, 21, 24, 35 and 46 are independent.

Reconsideration and further examination are respectfully requested.

Claims 1 to 48 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,996,015 (Day) and U.S. Patent No. 6,192,340 (Abecassis). Applicants respectfully traverse the rejection and submit the following remarks in support thereof.

It is noted that Abecassis has a filing date of October 19, 1999. Abecassis therefore has an effective date that is later than the date on which the claimed inventions was made.

To establish that Applicants conceived of the claimed invention before Abecassis's effective date and diligently reduced the invention to practice, Applicants submit herewith the Declarations Under 37 C.F.R. § 1.131 of Jeffrey R. Boulter and Todd M. Beaupre (hereafter collectively referred to as the "Declarations").

The Declarations establish that, prior to October 19, 1999, Applicants had conceived of the claimed invention, and then diligently reduced the invention to practice. Accordingly, Abecassis is not prior art as to the claimed invention.

Reconsideration and withdrawal of the rejection of Claims 1 to 48 under 35 U.S.C. 103(a) are therefore respectfully requested.¹

¹ Moreover and while no such rejection was made, the record is clear that Day fails to teach, suggest or disclose multiple elements of the claims. It therefore cannot alone form the basis of a rejection under 35 U.S.C. § 102 or § 103(a).

U.S. Appl. Serial No.: 09/709,234
Amendment And Response
To Office Action Filed With RCE

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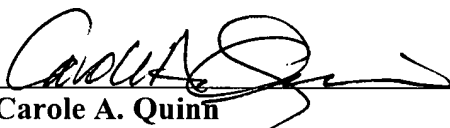
The Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney.

In this regard, Applicants' undersigned attorney may be reached by phone in California (Pacific Standard Time) at (714) 708-6500. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred when charging any payments or credits for this case.

Respectfully submitted,

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